

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Kerry White, on February 8, 2017 at 3:00 PM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Kerry White, Chair (R)
Rep. Zach Brown, Vice Chair (D)
Rep. Theresa Manzella, Vice Chair (R)
Rep. Kim Abbott (D)
Rep. Bob Brown (R)
Rep. Virginia Court (D)
Rep. Willis Curdy (D)
Rep. Ross H. Fitzgerald (R)
Rep. John Fleming (D)
Rep. Kelly Flynn (R)
Rep. Wylie Galt (R)
Rep. Steve Gunderson (R)
Rep. Dale Mortensen (R)
Rep. Mark Noland (R)
Rep. Jonathan Windy Boy (D)

Members Excused: None

Members Absent: None

Staff Present: Lexi Goble, Committee Secretary
Joe Kolman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 360, 2/3/2017; HB 368, 2/3/2017
Executive Action on: HB 228; HB 337; HB 339

00:00:53 Chair White Relinquished the chair to Rep. Manzella
00:01:40 Rep. Manzella

HEARING ON HB 360

Opening Statement by Sponsor:

00:02:11 Rep. Bradley Hamlett (D), HD 23, opened the hearing on HB 360, Establish Surface Water Assessment and Monitoring Program.

Proponents' Testimony:

00:03:35 Tammy Johnson, Montana Mining Association (MMA)
00:05:36 Brian Ohs, Montana Trout Unlimited (MTU)
00:06:01 Mike Murphy, Montana Water Resources Association (MWRA)
00:06:52 Jay Bodner, Montana Stockgrowers Association (MSGA); Montana Cattle Woman (MCW)
00:07:36 Chelcie Cargill, Montana Farm Bureau Federation (MFBF); Association of Gallatin Agricultural Irrigators (AGAI); Senior Water Rights Coalition (SWRC)
00:08:20 Jeff Tiberi, Montana Association of Conservation Districts (MACD)
00:08:45 Levi Ostberg, Montana Farmers Union (MFU)

Opponents' Testimony: None

Informational Testimony:

00:09:45 John Metesh, Montana Bureau Mines and Geology (MBMG)
[EXHIBIT\(nah28a01\)](#)

00:10:59 Evan Hammer, Montana State Library (MSL)

Questions from Committee Members and Responses:

00:11:27 Rep. Flynn
00:12:12 John Metesh, MBMG
00:12:35 Rep. Flynn
00:13:13 Rep. Hamlett
00:15:39 Rep. Flynn
00:15:58 Rep. Hamlett
00:16:35 Rep. Curdy
00:17:17 John Metesh, MBMG
00:17:45 Rep. Curdy
00:18:02 John Metesh, MBMG
00:18:56 Rep. Windy Boy
00:19:12 John Metesh, MBMG

Closing by Sponsor:

00:21:28 Rep. Hamlett

HEARING ON HB 368

Opening Statement by Sponsor:

00:22:12 Rep. Walt Sales (R), HD 69, opened the hearing on HB 368, Establish setbacks for wells and lagoons.

[EXHIBIT\(nah28a02\)](#)

[EXHIBIT\(nah28a03\)](#)

Proponents' Testimony:

00:26:15 Jay Bodner, Montana Stockgrowers Association (MSGA); Montana Cattle Woman

[EXHIBIT\(nah28a04\)](#)

[EXHIBIT\(nah28a05\)](#)

00:31:08 Tim Davis, Department of Environmental Quality (DEQ)

00:33:02 Steve Story, Department of Natural Resources and Conservation (DNRC)

00:34:07 Elena Evans, Montana Association of Conservation Districts (MACD)

00:35:03 Tammy Johnson, Montana Water Well Drillers Association (MWWDA)

00:35:58 Levi Ostberg, Montana Farmers Union (MFU); Association of Gallatin Agricultural Irrigators (AGAI)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:37:16 Rep. Court

00:40:04 Tim Davis, DEQ

00:40:36 Rep. Fleming

00:41:56 Tim Davis, DEQ

00:42:56 Rep. Abbott

00:43:23 Tim Davis, DEQ

00:43:59 Chair White joined the meeting

00:44:14 Rep. Flynn

00:44:38 Tim Davis, DEQ

00:44:53 Rep. Manzella

00:45:15 Tim Davis, DEQ

00:45:39 Rep. Manzella

00:45:54 Tim Davis, DEQ

00:46:01 Rep. Court

00:48:24 Tim Davis, DEQ

00:49:28 Rep. Flynn

00:50:50 Tim Davis, DEQ

Closing by Sponsor:

00:51:04 Rep. Sales

Committee Business:

00:53:11 Chair White resumed the chair.

00:53:55 Joe Kolman, Legislative Services Division (LSD)

00:54:01 Chair White
00:54:25 Joe Kolman, LSD

[EXHIBIT](#)(nah28a06)

00:55:43 Chair White
01:04:26 Joe Kolman, LSD
01:07:47 Chair White

01:08:14 Recess
01:30:39 Reconvene

EXECUTIVE ACTION ON HB 337

01:30:57 **Motion/Vote:** Rep. Manzella moved that **HB 337 DO PASS**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 339

01:32:01 **Motion:** Rep. Manzella moved that **HB 339 DO PASS**.

01:33:36 **Motion/Vote:** Rep. Manzella moved that **HB 339 BE AMENDED**. Motion carried 10-5 by roll call vote with Rep. Abbott, Rep. Court, Rep. Curdy, Rep. Fleming and Rep. Windy Boy voting no.

[EXHIBIT](#)(nah28a07)

01:34:46 **Motion:** Rep. Manzella moved **HB 339 DO PASS AS AMENDED**.

01:34:57 **Motion:** Rep. Z. Brown moved that **HB 339 BE AMENDED**.

[EXHIBIT](#)(nah28a08)

Discussion:

01:35:22 Rep. Z. Brown
01:38:05 Rep. B. Brown
01:39:23 Chair White
01:40:32 Rep. Flynn
01:41:25 Rep. Z. Brown

01:42:36 **Vote:** Motion failed 6-9 by roll call vote with Rep. Z. Brown, Rep. Court, Rep. Curdy, Rep. Fleming, Rep. Flynn and Rep. Windy Boy voting aye.

Discussion:

01:43:10 Chair White
01:43:51 Rep. Windy Boy
01:44:56 Joe Kolman, Legislative Services Division (LSD)
01:45:41 John Tubbs, Department of Natural Resources and Conservation (DNRC)
01:47:43 Chair White
01:48:14 John Tubbs, DNRC
01:48:34 Joe Kolman, LSD
01:49:24 Chair White
01:49:30 Rep. Windy Boy

01:50:16 Rep. Court
 01:51:11 Rep. Curdy
 01:53:53 Rep. Noland
 01:54:26 Rep. Flynn
 01:55:24 Rep. Abbott
 01:55:48 Rep. Z. Brown

01:58:13 **Vote:** Motion carried 8-7 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep. Court, Rep. Curdy, Rep. Fleming, Rep. Flynn and Rep. Windy Boy voting no.

EXECUTIVE ACTION ON HB 228

01:58:33 **Motion:** Rep. Manzella moved that **HB 228 DO PASS.**

01:58:45 **Motion:** Rep. Manzella moved that **HB 228 BE AMENDED.**
[**EXHIBIT\(nah28a09\)**](#)

Discussion:

01:58:55 Chair White
 01:59:02 Joe Kolman, LSD

01:59:30 **Vote:** Motion carried unanimously by voice vote.

02:00:10 **Motion:** Rep. Flynn moved that **HB 228 BE AMENDED.**
[**EXHIBIT\(nah28a10\)**](#)

Discussion:

02:00:41 Rep. Flynn
 02:02:25 Rep. Curdy
 02:04:44 Rep. Flynn
 02:06:02 Rep. B. Brown
 02:06:55 Chair White

02:08:20 **Vote:** Motion failed 7-8 by roll call vote with Rep. B. Brown, Rep. Fitzgerald, Rep. Flynn, Rep. Gunderson, Rep. Manzella, Rep. Mortensen and Rep. Noland voting aye.

02:09:40 **Motion:** Rep. Manzella moved that **HB 228 BE AMENDED.**
[**EXHIBIT\(nah28a11\)**](#)

02:10:15 **Vote:** Motion carried 14-1 by roll call vote with Rep. Flynn voting no.

02:11:45 **Motion:** Rep. Manzella moved that **HB 228 DO PASS AS AMENDED.**

Discussion:

02:12:07 Rep. Flynn
 02:12:09 Rep. Z. Brown

02:13:32 **Vote:** Motion carried 13-2 by roll call vote with Rep. Manzella and Rep. Mortensen voting no.

02:13:49 Chair White
02:13:54 Joe Kolman, LSD

ADJOURNMENT

Adjournment: 02:14:48

Lexi Goble, Secretary

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Additional Documents:

EXHIBIT([nah28aad.pdf](#))